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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

NATURAL STRUCTURES, INC., an  
Oregon corporation,

Plaintiff,

v.

PETE VICARI GENERAL CONTRACTOR,  
L.L.C., a Louisiana limited liability company,

Defendant.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

TO: THE CLERK OF THE COURT

PLEASE TAKE NOTICE that defendant Pete Vicari General Contractor, L.L.C.  
("Vicari") removes to this court the state action described below:

1. On or about May 13, 2015, an action was commenced in Baker  
County Circuit Court, Case No. 15-361, captioned *Natural Structures, Inc., an Oregon  
corporation v. Pete Vicari General Contractor, L.L.C., a Louisiana limited liability  
company* (the state court action). A true and correct copy of the complaint in the state  
court action is attached as Exhibit A and incorporated into this notice of removal (the  
notice).

2. On information and belief, Vicari was served with the complaint in the state court action on or about August 21, 2015.

3. This notice is timely because Vicari first received the complaint in the state court action on or about August 21, 2015.

4. No further proceedings have occurred in the state court action.

5. In filing this notice, Vicari does not waive its right to challenge service or to raise any other defenses.

### **DIVERSITY JURISDICTION EXISTS**

6. This court has original jurisdiction over this action pursuant to 28 USC § 1332(a). The action is removable under 28 USC § 1441(a) and 1441(b), because it involves a controversy between citizens of different states; Vicari is not a citizen of Oregon; and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Plaintiff is an Oregon corporation with its principal place of business in Oregon.

8. Vicari is a Louisiana corporation with its principal place of business in Louisiana.

9. Plaintiff seeks damages greater than \$75,000.

### **REMOVAL TO THIS COURT IS PROPER**

10. Pursuant to 28 USC § 1332(a), 1441(a) and (b), and 1446, removal of the state court action to this court is appropriate.

11. Venue is proper under 28 USC § 1441(a), because this court is the district and division embracing the place where the state court action is pending.

12. Vicari is giving written notice of this filing to plaintiff's counsel. Vicari also is filing a copy of this notice with the clerk of the Baker County Circuit Court. A copy of the notice to the state court is attached as Exhibit B and is incorporated into this notice.

WHEREFORE, Vicari prays that this court grant its request for removal of the state court action, and accept jurisdiction over this case.

DATED: September 17, 2015

COSGRAVE VERGEER KESTER LLP



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Attorneys for Defendant

### CERTIFICATE OF SERVICE


I hereby certify that I served a true and correct copy of the foregoing **NOTICE OF REMOVAL** on the date indicated below by:

- ☒ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☐ electronic filing notification.

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney at the address listed below:

Floyd C. Vaughan  
Silven, Schmeits & Vaughan  
1950 Third Street  
PO Box 965  
Baker City, OR 97814

DATED: September 17, 2015

  
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Peter S. Willcox-Jones  
Lisa Amatangel